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## ESSAY

## The Right to 'No'

By William Safire

WASHINGTON, Jan. 18 — In 1969 I was a White House speechwriter and had just finished banging out the first draft of a Vietnam speech for the President. To keep every staff aide and his brother from fiddling with my prose, I typed across the top the impressive-looking words and acronyms that so frequently are used in the national security world: "TOP SECRET SENSITIVE." To give that a little authentic zip, I added "NOFORN, NOCONTRACT," which has to do with restricting the distribution from foreign allies and defense contractors.

Then I sent it in to President Nixon and waited. And waited. Three days later I called Bob Haldeman, the chief of staff, said the speech needed more work and asked for it back.

"You bet it needs work," he replied, "but we can't let you have it — you're not cleared for Top Secret/Sensitive/Nocontract/Noform."

Classifying material is easy and fun; declassifying it is a headache. Once a document has been sprinkled with the holy water of official secrecy, bureaucrats yet unborn will look it over and wonder: Maybe the classifier had a good reason. Why assume responsibility for letting the public know this? Keep it secret.

That accretion of material unavailable to the public goes beyond information that could compromise our security. As everyone in Government knows, "limited official use" and "administratively confidential" is stamped on everything from budgetary best-case scenarios to mash notes between bosses and secretaries.

One way this mountain of unnecessary secrets is broken up is through the revelations of people who leave office. The dullest memoirs serve a purpose; informed criticism lets information flow.

The Reagan Administration is determined to compound the problem of closed files in an open society. Today if you are hired by the Government you are presented with a "se-

curity acknowledgment," saying, "I shall not publish, nor reveal to any person, either during or after my employment, any classified or administratively controlled information...."

To most people, that sounds reasonable enough: we don't want our Federal employees to go around blabbing genuine secrets, now or when they leave Federal service. The question is: How to discourage improper disclosure without putting a gag in a person's mouth for the rest of his life?

Now we come to Mr. Reagan's infamous National Security Decision Directive 84. In a ferocious effort to plug The Leak That Never Was, N.S.D.D. 84 — numbered with Orwellian aptness — not only inflicted the threat of unreliable lie-detector tests on Federal employees (there goes the presumption of innocence) but made mandatory the signing of a lifetime censorship oath.

Under directive 84, a person willing to serve his Government must not only sign a legally binding promise not to reveal secrets; beyond that, he must swear to submit whatever he writes that is based on what he learns in his job to a Government censorship board. He must submit to that censorship for life, which strips him of his freedom to lambaste knowledgeably his successors in office.

For example, under that damnable directive, a column like today's would have to be submitted to censors before publication, because I talk about classification codes I learned about in the White House. Mr. Reagan seeks to apply these C.I.A.-style restrictions throughout Government, applying his order to more than 100,000 employees.

Congress, at the instigation of Senator Charles Mathias, put a hold on directive 84; in order to fund the operations of the State Department, Mr. Reagan signed a suspension order. Next month the Senate Government Affairs Committee will hold hearings on the lifetime censorship oath and more sensible alternatives.

The best choice is to do nothing: any anti-free-speech solution is worse than the imagined leak problem.

More likely to emerge is a secrecy oath as a condition of access to really sensitive stuff (Noform, etc.), combined with a voluntary censorship board.

For those eager to avoid even inadvertent disclosure of secrets, the censor's stamp would be available. But those who rejected the censorship board would be subject to the more traditional restraint: If present or former Government officials break their freely taken secrecy oath, they would then face Government sanctions under contract law or criminal law.

That would be better than the Draconian crackdown in N.S.D.D. 84; dissenters would still have the right to say "no" to prepublication review. The prospect of punishment, not the practice of prior restraint, should deter security lapses.

"Protecting our secrets" is a popular issue; neither Attorney General Smith nor White House counsel Fielding is willing to talk to the President about protecting the Constitution.

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